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Fyi. A couple updates were made to this article since the version I sent you...

<http://wyofile.com/dustin/theres-pavillion-upset-recent-conjecture/>

There's more to Pavillion to be upset about than recent conjecture

— *February 18, 2014*

At a conference in Idaho late last year, a former employee of the Wyoming State Engineer's Office suggested, as if a foregone conclusion, that oil and gas activity contaminated groundwater in the rural neighborhood east of Pavillion. Robert Johnson's comments surfaced in a blog earlier this month, and the whole thing was heavily hyped as a "bombshell."



Dustin Bleizeffer

Yet Johnson's comments didn't seem to matter much to those residents east of Pavillion who, for nearly 10 years, have lived with contaminated drinking water wells and no definitive answers regarding the source. A lot of people have said a lot of things. What these citizens need are scientifically-proven answers.

"None of us knew him or knew how he was involved. ... He didn't really seem to have much detailed information (about the groundwater investigation)," Deb Thomas, an organizer for

Pavillion Area Concerned Citizens, told WyoFile.

Then a newspaper article followed reporting that Johnson, then and still employed by Idaho's Department of Lands, had recanted his statements after speaking with Wyoming Oil and Gas Conservation Commission supervisor Grant Black. Johnson was now saying that the statements he'd made in Idaho were "dead incorrect." "(Grant) set me straight and told me I was wrong," Johnson reportedly told the Casper Star-Tribune.

Members of Pavillion Area Concerned Citizens reacted strongly; "This is unbelievable and unacceptable!" Pavillion area resident John Fenton said in a prepared statement sent out Friday. "It appears that the state has already reached conclusions about the investigation of Pavillion area groundwater contamination before they've released findings or even hired experts to review their analysis. ... How did supervisor Black reach his conclusion?"

I reached out to supervisor Black for his version of what had transpired. "My conversation with Robert Johnson was simply to explain to him that we have an ongoing investigation. We have not reached conclusions yet," Black said.

Simple enough. I believe that was likely the general substance of the conversation between Black and Johnson. (Johnson did not return my calls on Friday or Monday.) It's easy to believe that Johnson might regret speaking in such conclusive terms about Pavillion, as he did in Idaho. When I listened to the audio of Johnson's Pavillion comments, I had the same initial reaction as Deb Thomas: *He didn't really seem to have much detailed information.*

In his attempt to underscore Idaho's path forward regarding requirements for lined pits in the oil and gas industry, Johnson alluded to the fact that several legacy pits in the Pavillion oil and gas field have for years been known to be contaminated. He noted that the pits and several well bores are under examination in the ongoing investigation seeking to discover the source of measured contaminants in the groundwater. All true. But Johnson took it a step further.

According to the audio, Johnson spoke specifically of contaminated groundwater and the unlined legacy surface pits in Pavillion: "Did the industry cause it? Yes they did. Are they mitigating it? Yes they are. But should we have to mitigate it? No. That's why we required lined pits that have been sealed and certified by a professional engineer."

By the way, "legacy" means the pits in question were unlined and contaminated before EnCana Oil & Gas USA bought the properties.

Since no agency involved in the ongoing investigation has made scientific conclusions that have gone through a peer review process, it's easy to understand how the tone of Johnson's comments raised eyebrows. Pavillion is still an ongoing investigation nearly 10 years after citizens began seeking answers. That's part of the frustration.

At the Idaho conference, Johnson made several more statements that have been rightly challenged. He claimed he was close to the investigation (Wyoming SEO was never a lead agency in the investigation), and he suggested that all, and/or, portions of the U.S.

Environmental Protection Agency's 2011 draft report had been "rescinded." (That report concluded that chemicals commonly associated with fracking contributed to contaminated drinking water.)

To say the draft report has been rescinded is dead wrong. "We stand by the data we collected and expect the state to consider those data as they move forward," EPA Region 8 spokesman Richard Mylott told WyoFile via email on Friday. "The findings in our draft report have not been peer reviewed or finalized."

Looking back at this flare up, I'm struck by how much flash and heat is concentrated on conjecture when there's so much more of substance to be upset about. Like the fact that Wyoming and EnCana Oil & Gas USA — the current operator of the Pavillion oil and gas field — have spent years attempting to diminish the validity of the 2011 EPA report, EPA's methods and its draft conclusions, while also doing everything they could to delay the draft report from being peer reviewed by experts convened by the EPA's Scientific Advisory Panel. Both the governor's office and EnCana have taken issue with this statement, noting correspondence asking EPA for a peer review. But there's plenty of nuance in that criticism, particularly the numerous requests for exactly how the EPA should gather and analyze more data, for how and who to select as experts, and many other detailed requests that EPA meet "prior to the peer review."

EPA worked closely with the state and EnCana over their concerns, and ended up issuing one delay after the other.

Keep in mind that no portion of the state's and EnCana's criticisms of the EPA report have gone through peer review, either. And thanks to a backroom deal that purposely excluded Pavillion area residents and tribal representatives of the Wind River Indian Reservation, there may never be a high-caliber peer review in the Pavillion groundwater investigation that is accepted by all stakeholders involved.

Last summer, Gov. Matt Mead announced that EPA had agreed to turn over control of the investigation to the state of Wyoming. Under the state's plan, the Wyoming Oil and Gas Conservation Commission and Wyoming Department of Environmental Quality (DEQ) will lead the investigation in consultation with EPA and EnCana. EnCana agreed to pony up a \$1.5 million grant to the Wyoming Natural Resource Foundation to help pay for the investigation. Members of the Northern Arapaho Business Council said EPA broke federal law in handing the investigation over to the state without consultation with the tribes, while Pavillion area residents were left stunned that the one agency they did trust — EPA — gave up control to the state, which they've never trusted in motivation or capacity to conduct the work.

After the state took over, Wyoming Oil and Gas Conservation Commission (WOGCC) went to work compiling a draft report of oil and gas surface pits and their potential contribution to groundwater contamination. That draft report is due to be completed in the next few weeks, according to the state. The second piece of the state-led investigation is a look at the potential role of well bores in the region. That work, and draft report, was headed by longtime Casper oil and gas consultant Bob King due to his past work on the matter at WOGCC.

King, incidentally, served as WOGCC interim supervisor after former supervisor Tom Doll was forced to resign. Doll was quoted in 2012 by Environment and Energy Publishing telling his colleagues at a conference in Canada he believed Pavillion area residents were motivated by “greed” in their search for answers.

Rather than subjecting the state’s draft reports to a review of experts convened by the EPA’s Scientific Advisory Panel, the state will convene its own panel of experts — nominated by all parties — to review the work. The state has already rejected some nominated experts, and it is just now finalizing the expert panel.

Is this really the process that’s going to generate scientifically-defensible conclusions in a politically-charged case that has festered for nearly 10 years? The alternative was to allow the Scientific Advisory Panel peer review to test EPA’s draft report along with the state and industry’s criticisms. But Gov. Mead and EnCana made sure that didn’t happen. And that’s worth being upset and skeptical about.

“Until that contamination is actually sourced, there’s no party for them to hold accountable, and that leaves the people who are having impacts in a really bad position,” said Deb Thomas of Pavillion Area Concerned Citizens. “They (area residents) certainly didn’t cause it. That’s what needs to happen; the contamination needs to be sourced ... so that someone is accountable.”

— [Click here](#) to see Wyoming’s Pavillion groundwater investigation website.

— [Click here](#) to see the EPA’s Pavillion groundwater investigation website.

— **This column was corrected** to clarify that the Wyoming Oil and Gas Conservation Commission is leading the study of oil and gas well pits in the Pavillion groundwater contamination study, and to further express the state of Wyoming’s and EnCana’s view of the peer review negotiation.

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